IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7793 OF 2006

Smt.Afroz w/o A.R.Moulvi & Ors. ....Petitioners
V/s
Ramesah Amrutlal Mehta & Ors. ....Respondents.

Mr.R.S.Datar, Adv. For the petitioners.

Mr.P.K.Dhakephalkar, i/by Mr.R.A.Karale, Adv. For respondent No.1.

Mr.Anil Menon, Adv. For respondent No.12.

CORAM: A.P.DESHPANDE, J.
24/10/07

PC:

An interlocutory order passed by the trial Court allowing the application moved by respondent Nos. 1 and 2 for their impleadment as party-defendants has given rise to the filing of present writ petition. Respondent Nos.1 & 2 moved the application under order 1 rule 10 by contending that the plaintiffs and defendant Nos. 1 to 17 have entered into an agreement of development of the suit property in favour of predecessor-in-title of respondent Nos. 1 and 2. The reliefs that are claimed in the suit pertain to seeking declaration in regard to right, title and interest in the suit property, possession of the suit property, so also partition of the suit property and in addition directions are sought against defendant No.10 in relation to construction of the building

and for removal of construction and for handing over vacant possession. The trial Court having found that the respondent Nos. 1 and 2 have an interest in the suit property on account of execution of agreement in their favour by plaintiff Nos. 1 to 11 and defendant Nos. 11 to 17 allowed the application. It thus appears that though respondent Nos. 1 and 2 are not necessary parties nonetheless have been found to be proper parties in view of the subsistence of an agreement for development of suit property by plaintiffs and some of the defendants in favour of respondent Nos. 1 and 2. Perused the impugned order. Same does not call for any interference. Hence writ petition is summarily dismissed.

24.10.07